

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, MARCH 4, 2019**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, March 4, 2019. We have in attendance with us the following city officials: Mayor Kathy Catazaro-Perry, Safety Service Director, Joel Smith, Law Director, Andrea Scassa, Chief Prosecutor, Justin Richards, Community Development Director, Lori Boron, Community Development and Housing Assistant, Samantha Walters, Economic Development Director, David Maley, Park and Rec. Director, Steve Pedro, Income Tax/Budget Director, Barb Sylvester and Housing Director, Beverly Lewis. On the wall to the left are agendas if you wish to follow the meeting. Also, if you look at the agenda, under item #5 is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I want remind anyone with cell phones, please turn them down or set them to vibrate.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Jill Creamer, Sarita Cunningham, Mike Gregg, Dave Irwin, Ed Lewis, Linda Litman, Paul Manson and Megan Starrett.

Roll call of 8 present

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Councilman Manson.

COUNCILMAN MANSON – I'd like to make a motion that we excuse Councilman Chovan.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Roll call to excuse Councilman Chovan.

8 yes to excuse Councilman Chovan

COUNCIL PRESIDENT ISTNICK – Councilman Chovan has been excused. Councilwoman Starrett.

2. INVOCATION

COUNCILWOMAN STARRETT

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILWOMAN STARRETT

COUNCIL PRESIDENT ISTNICK – Thank you, Councilwoman Starrett.

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Madam Clerk, are the minutes of the previous meeting transcribed and open for public viewing?

COUNCIL CLERK ROLLAND – Yes, they are.

COUNCIL PRESIDENT ISTNICK – Are there any additions or corrections to be made?

COUNCIL CLERK ROLLAND – No, there are not.

COUNCIL PRESIDENT ISTNICK – Then the minutes stand approved as written. Councilman Manson.

COUNCILMAN MANSON – Yes, thank you, Madam President. I would like to make a motion that we make an insertion in our agenda between items # 4 and #5. We have Marjorie Willow here and if you didn't see the e-mail, I'll just read this to you and you'll know why we're doing this. "Attached please find the PowerPoint Presentation that will be given to Council at our Regular Session Meeting this coming Monday, March 4th. This is a requirement for our Housing Dept. per Housing Director, Bev Lewis. Attached you'll find a PowerPoint Presentation on the Analysis of Impediments to Fair Housing Choice for the Council agenda on Monday, March 4th. I'd like to do that and then we can get all of this out of the way. She's here, I believe from Pittsburgh and she's going back and she can out of here a little bit earlier. So, I'd like to go with this first.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Creamer. Roll call.

8 yes to amend the agenda for the presentation for the HOME Consortium

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. The agenda has been amended.

MARJORIE WILLOW – Thank you very much for having me here tonight and the purpose is to give a brief presentation on the project that I have been involved with for the City of Massillon and Stark County. The City receives Community Development Block Grant funds from HUD as well as HOME funds from HUD through the County and each year when the City submits its annual Action Plan to HUD to get these funds, there's a series of certifications that we must find. And one of those certifications says that the City of Massillon will affirmatively further fair housing. And what that means is that you must demonstrate to HUD that the City does not discriminate against anyone in the implementation of its housing and housing you'll be covering. And the only way that you can demonstrate that to HUD is by carrying out the preparation of this document, the Analysis of Impediments to Fair Housing Choice which is a very long title for a document we shortened called an AI. So, just to give you a bit of background about fair housing, it is the right to choose housing free from unlawful discrimination and there's a thorough Fair Housing Act that protects people on the basis of race, color, religion, natural origin, sex, disability and familial status. And what that (familial status) means is whether or not you have children. And in the state of Ohio, the state law adds two additional protections, military status and ancestry. If you think about it, all of these are personal characteristics which have nothing to do with housing or your ability to be able to get housing or to keep your housing. And so, when we undertake this document, the preparation of this AI, we look at a lot of data, we look at the demographics. Who lives here, we look at housing; what's your housing like and we look at income levels and employment and poverty

and we analyze this data and then we're also looking at your policy documents. So, to complete the plan, we're looking at how the CDBG Program is administered and how the HOME Program is administered and we're not looking to find problems, but we are looking, basically, to protect the City and its residents. So, if we find something that we think could be discriminatory, we let you know and then we make some recommendations on how it should be changed so that the programs are consistent with state and Federal law. So, I talked about this in terms of affirmatively furthering fair housing and what that means is a little bit more than just stopping housing discrimination from occurring, but it means doing more to help expand housing choice for members of the protected classes. Those groups of people that I mentioned earlier. So, last summer, when it was a lot warmer than it is today, we came and we conducted stakeholder meetings with key community stakeholders and that's within the County. And so, folks who had nonprofit organizations who might have wanted to build housing, who wanted to rent housing to people, who helped people find housing, especially lower income folks, we wanted to talk to them and find out about the housing environment. Especially the affordable housing environment in Massillon. And as I said before, we wrote the document, we identified a few issues and we made recommendations to correct those. There was a public comment period for 30-days where the documents were on display, could be reviewed and then tonight is the final presentation and about the end of April, the document will be submitted to HUD. After Canton and Alliance and the County have a chance to do the same type of presentation. So just a few of the summary of the findings that we identified here. So, as you can see, when you look at median income. So, median income is the point at which half of all household have a higher income and the other half have a lower income, it's right in the middle. And for the City, it's a little under \$43,000, when you look at all households. When you look at it by race, you can see that there's a really clear difference. And so, Asian households have the highest median household income at \$106,000; followed by White at \$44,000 and then Blacks and then very low for Hispanics. And the reason it is important to look at is because the quality of the housing and where you can afford to live is determined by the amount of income that you have. The other thing that we look at is in addition to where there are concentrations of low-and moderate-income households, we're also looking to find where there are concentrations of minority in the City. And it's where those two overlap that we're interested in. Because then we want to learn why is it that there are concentrations of low-and moderate-income minorities living in one or two neighborhoods or maybe a certain part of the City. With the reason being, are they living there because there because they want to or are they living there because there's no other place they can afford to live. And so, when you look at this map, the darker colors and the darkest census tract is the central part, the central core of Massillon and then there are two census tracts to the south of it that are adjacent and these are also where there are large concentrations of low-and moderate-income persons and minority households. Now this same census tract that I identified that's in the central core of the City also contains a high concentration, it's considered an area of concentration of Black residents. So, overall, the City has a population of 7.2% Black residents when you look over the entire City. But, in that census tract alone, it's over 26%. So, it's much higher. It's more than three times as high of the City overall. And when you look at the documents, this is an area that we call an impacted area. And so, when we're talking to the stakeholders and to the CDBG folks, we wanted to know what kind of options do the low-and moderate-income households from that neighborhood have elsewhere in the City to live? So, here's some of the impediments of the fair housing choice that we identified as well as what are recommendations were. So, this first impediment has to do with the City's Land Use Plan and typically, the Comprehensive Plan or the Master Plan or the Land Use Plan, whatever you're going to call it, is a Community's Primary Policy document that describes their housing policy. So, where are you going to allow certain types of housing,

certain types of other land uses. Whether it's parks or playgrounds or churches or stores or schools; that pretty much is your guide on future development and to where people can get that type of housing. And because the plan is a bit aged in Massillon, it was very limited in scope in terms of really addressing housing on a comprehensive basis. Meaning, single family, multi-family and in-between. Maybe town houses or duplexes for a wider variety of household type and income level. And that was our recommendation to evaluate the feasibility of updating the City's Comprehensive Plan so that there's greater housing choice for all of the households who live there regardless of what's the makeup of their household and regardless of their income level. The second impediment was how the City regulates "group homes". So, in the Federal Housing Fair Act, persons with disabilities or quite often, maybe not as much these days, but still in a lot of communities, they reside in group homes. Which are, again, quite often single-family units where a number of persons with disability reside on a permanent basis. Maybe it's three, four, five, six people. Maybe they have full-time caregivers, maybe not. It depends on their level of ability to take care of their own activities of daily living. And what the Fair Housing Act says is that you can't place anymore restrictions on those group homes in single-family dwelling units than you do for single-family dwelling units where people without disabilities reside. And basically, what that does is it opens up more of the community for persons with disabilities who are wanting to mainstream into the community as much as possible and they have greater choice, so there's more neighborhoods. There's more housing units where they could potentially live. The third impediment has to do with representation of those protected classes that I mentioned earlier on appointed boards and commissions. And so, you have an elected Council, there are also board and commissions which people are appointed to. Planning Commission, if you have a Disability Commission, a Zoning Board Commission, a variety of boards that they looked, the Park Board, maybe that the Council look to get citizens within the community, residents, to sit and serve on these commissions. And some of these commissions and boards are really important because they have to do with making housing decisions and housing related decisions. And so, if you think about if you were part of a group that they type of experiences and their background that you bring to the project or decision-making process. If you talk about the difference between somebody that has a disability and somebody who doesn't have a disability how they think about what would be the best decision to serve the community at large. So, there's a great advantage to bringing in more women or persons with a disability and minorities to serve your community on those boards and commissions. And the final impediment was that some landlords are not maintaining their real units to the standards that they should be and what happens then is folks who have very little income to spend on housing will, basically that's the limit of what they can rent and a lot of lower income folks will not necessarily complain because they know they could be evicted or they fear being evicted for complaining. But our recommendations are to include mandatory inspections for the landlord registry requirements that you have and also to work with the County to maintain with the database of fair housing complaints against landlords. So that's if there's a particular or some number of landlords not only probably here, but they also own them in Canton or Alliance and if there's a database, if there's some resource you can go to and you can know if one or two landlords that are having complaints filed against them in the different cities, then might be worthy of action on the larger basis than just the city. Maybe the above cities and the County as well. So, just to give you an idea, I sort of touched on this earlier that this is on the Council agenda for consideration tonight and Massillon along with Alliance and Canton which is a separate entity, gets its own funding, but has, luckily joined with the County, so one positive thing done to cover the whole County which makes a lot of sense, they're going before their elected body the end of this month and then a couple of meetings into April and then the final document will be submitted to HUD, expected to pass at the end of April and then if you're wondering what is going to happen to these

recommendations, I feel that they would be implemented in their Annual Action Plan that the City prepares every year. So, as part of your CDBG Program application, your HOME application, some of these actions each year are included in this. And then at the end of the year when staff prepares their CAPER, they're end of the year report, they're reporting on progress that was made. And then in that way a degree of accountability and follow-thru for this plan along with their other documents they must submit to HUD. And that completes my presentation.

COUNCIL PRESIDENT ISTNICK – Thank you, Marjorie. Is there anyone on Council that would like to ask Marjorie any questions or any comments you'd like to make? Councilwoman Litman.

COUNCILWOMAN LITMAN – If these items are not addressed in our Action Plan, is there a further reprimand or consequences to not apply for that plan or how does that work?

MARJORIE WILLOW – There is a chance that HUD will eventually when they review the AI documents and then they compare it to the end-of-the-year report that I discussed and they notice that no progress is being made. Typically, what happens in that case they'll contact the staff here, the Community Development staff and say, "Wait a minute. You made this plan, why aren't you making progress on it?" There are communities that HUD has said "Until you do something about this, we're going to hold your funds". But that usually takes some time. I mean, it has to be a pretty serious delay in making any progress in implementing your actions before that happens. But they do have that power to do it.

COUNCILWOMAN LITMAN – I just wanted to know what coordination that HUD has with Section 8 housing. Is here any?

MARJORIE WILLOW – In terms of?

COUNCILWOMAN LITMAN – Well, Section 8 would be offering lower rents to those that might be in a higher neighborhood that they wouldn't otherwise be able to afford.

MARJORIE WILLOW – But, you mean in terms making more Section 8 vouchers available in Massillon?

COUNCILWOMAN LITMAN – Yes.

MARJORIE WILLOW – Yes. It's very difficult to get additional HUD vouchers. The only ones that I have known that HUD made available over the last two years have been the ones for veterans as well as if there has been any demolition of public housing units, they will make some. But just for the Stark Metro Housing Authority to apply for additional vouchers because they need them, that budget has been slashed and stabilized over the last couple of years. Everyone wishes that there were more.

COUNCILWOMAN LITMAN – Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Specifically to the recommendation on disability group homes, if I recall that specific ordinance is referencing homes in which they identify as a group home and you have to somehow register with the City and get permission, if I'm recalling right. Are you

familiar; does that sound right? And the reason I'm asking is because that's the field that I work in and I know that nowadays with the Dept. of Development Disabilities in Ohio, we don't have group homes in the way that we used to. So, it sounds more like that ordinance is just out of date and probably needs revised because it's not where some person goes and has that this is a group home that only can serve these people and they're treated like regular residents that just happen to have three people living in a home together. As far as I know, Massillon has not stopped that at all.

MARJORIE WILLOW – That's correct and I'll give you a really quick good example. If we go into a community and we say, "Can we see a list of all the group homes you've approved?" Ideally, they would say, "Oh, we don't know where they are because we don't ask for that when somebody comes for a building permit".

COUNCILMAN LEWIS – Absolutely. Okay.

COUNCIL PRESIDENT ISTNICK – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you, Madam President. On your Impediment No. 3, you said that there's lower representation of the protected classes on the City's appointed boards and commissions. Did you actually review every one of those commissions and check the people that were on them? Because my understanding is that we have a very good representation.

MARJORIE WILLOW – We only look at those that involve housing and housing related policies and decisions to be made. So, for example, the Parks and Rec., I think I did mention that. But that wouldn't be one that we would emphasize in the document, but we did, if you look in that section, it does have the specific numbers.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – I just wanted a little more detail about the stakeholder meetings that you mentioned that you had. Who all was involved at those meetings?

MARJORIE WILLOW – I can get you a list. I couldn't tell you off the top of my head but I can get you a list.

COUNCILMAN GREGG – I don't need names.

MARJORIE WILLOW – So, typically when you go in, we're looking for, and I'll get you that County overall. So, the housing authority is usually staying on top of it with affordable housing providers. So, places like Habitat or others to help to either construct new housing or help to rehab housing. We want to talk to social service agencies that either try to help people look for housing, try to help putting them in housing or maybe in the case of some of the homeless assistance providers; they're trying to prevent homeless or rapid rehouse after they become homeless. We also want to talk to department staff, planning staff, we need to know about transportation. How well does public transit connect where lower income families are and where there are employment opportunities, for example.

COUNCILMAN GREGG – Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Thank you.

BEVERLY LEWIS – Can I add something?

COUNCIL PRESIDENT ISTNICK – Certainly, Beverly. Would you come to the microphone?

BEVERLY LEWIS – I just wanted to say that on the note of the stakeholders that were interviewed here, just to name a few. We had Terri Argent from the Health Dept., we had Amy from the homeless facility, we had the Salvation Army, we had the Neighborhood Assoc. president. We had Frank Silla who is our Building official. We had Lori Boron who is CDBG Director. So, we tried to grab people that indeed could speak to some of the issues and all that was going on that were even outside of the norm. And so, they would be able to speak to that, especially with the Neighborhood Assoc. and some of the others. That's just name a few.

COUNCILMAN GREGG – Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mrs. Lewis. Anyone else?

BEVERLY LEWIS – Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. I just want to get this stuff removed and out of the way.

5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA

JIM THIERET – I want to address the issue of panhandling and the begging. I hope that Council treads very cautiously and very thoughtfully on this. I appreciate pro action. I know that nothing has been directed to us, as far as I can understand, so far. But everyone that I have talked to is concerned about if you release whatever restrictions there are now and I understand that they're fairly limited. But, you know, you can't go outside your house now without people potentially coming up to your home that you don't know. You're talking about what are you going to register them? Or if somebody shows up with ID and a dollar? I mean, those kind of details I haven't seen and I would hope that this would be put back on. They say "Don't cross the bridge before you get there". And again, pro activity is fine, but "If it ain't broke, don't fix it" works too. So, again, I would urge Council to look at the paper. There's people that want to put your addresses out there for anybody to go panhandling at your homes. But seriously, though, I'm very much concerned about this and my wife and family is home alone a lot and they're vulnerable and I wouldn't want to see anyone's family intimidated to the point where they won't even go outside. Thank you for your time.

COUNCIL PRESIDENT ISTNICK – Thank you. Is there anyone else that would like to address Council on a topic that appears on tonight's agenda?

LARRY DELUCA – I live at 2954 Veterans Blvd. S.E., Massillon, Ohio. I commend the gentleman for speaking up, that spoke before me. I can understand how Andrea Scassa wants to be proactive, I guess, from what I read in the paper and that's only second-hand information. She wants to make sure that Massillon not sued. Listen, I've own businesses, I've been a general manager at K-Mart on Rt. 62. I've been a general manager at Holiday Inn in Canton. I used to work at WTIG Radio. I've been involved in many businesses. I'm general manager of other things. Folks, we have United Way. We give to this thing; our family gives to

it in Pittsburgh and here. We shouldn't have anybody panhandling on the side of the street. When I go to Belden Village and over by K-Mart in Massillon or anywhere in Massillon or anywhere in Canton or anywhere. We give this money to all these things, they divvy it up. I've done away with that because I used to be on the board at the Salvation Army in Akron and I've seen that and I get rid of that because when I went there, they were playing games on their computer making \$79,000 at the Salvation Army in Akron and I know what I'm talking about on that. Anyhow, I don't think anybody should be panhandling in the City of Massillon period. But, that's not what I was going to talk about. Real quick, about the roads in Massillon. I talked to Greg McCue, the engineer dept. I talked to Mr. Lee McBride, who I really like. I like Mr. McCue, too, very good. I talked to three Council members. I won't mention on the Council's here and present tonight. I talked to a bunch of other people. Anyhow, Mr. McCue, the engineering dept., I talked to him. Let's talk about Richville Dr. and let's talk about Nave Rd. Richville Dr. is a total disaster. It's an embarrassment to every citizen sitting here today in Massillon, Ohio. I worry about the Police Dept. They're driving 65 to 80 miles per hour there. We've got our paramedics. I go five miles an hour and I'm hitting them potholes and that. We're back at a \$1,600 damage on Richville Dr. That was when a friend of ours reimbursed me \$1,600 for my rims on my car. But I'm talking to Mr. McCue, I got to the bottom of this in talking to these people and it had to do with First Energy, AT&T, MCTV, the Workal Construction Co., Dominion Energy. They use towers and they had to move poles. Talking to Mr. McCue today, I said "Mr. McCue, I need to go to the meeting tonight. I talked to you last year and you said it was going to be done". I talked to the Streets Dept. over there. I talked to Mr. McBride and you said it was going to be done. He said it made his job very difficult and it did. It should have been done last year. We got a grant in July 2018. Mr. McCue said it would be great if I told you; it was the second week in July. The City of Massillon knew that there was all these things going on, but they also knew too that the road was going to be repaved by Mr. Winger completely done in March. So, I'll give you July 2018. What'd the City of Massillon do to protect the citizens? Nothing. What happened in August 2018? What did the City do? Nothing. September, what did the City do? Nothing. There's big potholes, people can get killed. October 2018, what did the City of Massillon and the City Council members do? Nothing. You can do a cold patch, I'll get to that. November, October, November, December, January, February; we're up to March now. I've called and talked to Mr. Lee McBride, I talked to him very nicely, he's a very nice gentleman. He said "I'll be over there and take care of Richville". I have a little problem too because they patched a few on Nave and I seen some of them as I drove around town. They were doing some roads that weren't that bad. I asked Mr. Lee McBride, "What's the worse road in Massillon?". I asked Greg McCue. Richville Dr. There's big potholes and you're putting the whole City at risk. My question was, you can do a cold patch, my Dad's a chemical engineer. You can do a cold patch, I talked to Lee McBride, at 25 degrees. My Dad said it'll be out within two weeks. I appreciate that, but you can't let the people of Massillon be killed. You can't let the Massillon Police Dept. drive at 80 miles per hour and you can't let the paramedics drive at that, okay. Especially if they're going to a urgent thing in the City of Massillon. I asked Mr. McCue where the buck stops? I asked Lee McBride where the buck stops? I asked three Council members here present tonight, where does the buck stop on this? What I'm trying to get at, and I'll end it here, is that they should have hot patched these, I mean cold patched, excuse me, you have to cold patch them to save the people, residents of Massillon. They knew they had the pipeline from Workal Construction, they knew it all along. I did call, I was in touch with Mr. Joel Smith's department and I understand it's the same speech I get and all my friends get, it's the same speech. "We're working on them. We got 7,000 potholes in the City of Massillon". We do. But you got to take care of our roads. I talked to Andrea Scassa. I even thought the road should have been shut down completely. We can't operate like this. All these people said that the buck stops at Joel

Smith's office and the Mayor, Kathy Catazaro-Perry. The buck stops there and so do the potholes. If we could get you guys to do this, it would be great. You cannot have potholes that are three, four and five feet deep and wide and try to run a City of Champions like this. I was up in Akron; I was going to come before. I don't understand, why do only a few come to these Council meetings? Let's put this on the record. Why doesn't Massillon, all of Massillon get here before somebody gets killed? Thank you, Madam President. I mean, nothing against the Mayor, but we've got to get things right. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. Is there anyone else that would like to come forward and speak on a topic that is on tonight's agenda?

RALPH HESS – I don't reside in this community, but I visit it quite often because my mother lives here. I'm here to speak on behalf of those who probably aren't going to show up at these meeting which are our panhandlers who are going to be affected by your decision on this ordinance that is, I think, about the last item on the agenda. I'm speaking in support of the way it's presented on the agenda which is to approve an ordinance repealing the current panhandling, begging statute. And the reason is, I was here last week and I heard the attorney speaking and they've informed everybody that your current code provision is unconstitutional. So, I can't understand why you would consider not repealing an unconstitutional ordinance or code provision. Because it is unconstitutional and it threatens to charge people who violate it with a misdemeanor. It has the affect of having a chilling affect on the people who would be inclined to go ahead and panhandle. And so, I understand what the business people say and the folks who are concerned maybe about panhandlers coming up to their homes. You heard last week from, I believe, your City attorney is that you already have code provisions that provide for that. You have criminal statutes that provide for criminal behavior. The act of panhandling is a protected right under the U.S. Constitution and, frankly, I looked at the Ohio State Constitution. That's protected right under the Ohio State Constitution. So, why would you not repeal an unconstitutional code provision that has a chilling affect on members of your community?

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Hess.

RALPH HESS – Oh, you want me to put my mother's address down here? What do you want me to do?

COUNCIL PRESIDENT ISTNICK – Yours's is fine.

RALPH HESS – Okay.

COUNCIL PRESIDENT – Is there anyone else that would like to address Council at this time?

JAMES HAAVISTO – Good evening, Council. I reside at 2443 Wittenberg Ave. S.E., Massillon, Ohio. I want to address the panhandling situation. I just would simply say to just look it over carefully. It obviously is a First Amendment right and a Constitutional right and I think you have to take it in that light. But I would suggest one thing to the City. While we're opening up the streets to panhandlers and I've dealt with them in Canton. I've dealt with them in other places. It's been nonviolent. It has not been a problem. Usually they say "No" where I operate my business just outside the City of Canton. They come to my hotdog cart and I have a rule; don't ever ask me for money. I will feed you any time you come to my window. It works perfectly. I never, in eight years, have I gotten a request for money, but I've had

numerous requests for free meals. So, it can be worked out. It is a free speech issue, I get it. But I would suggest one thing to Council while we're being proactive at things. Maybe we could look at opening up our streets in case someone doesn't want to panhandle. Maybe they want to be a vendor. Maybe they want to sell you a pencil on the street. Maybe they want to sell you a hotdog. Maybe they want to sell you something on the streets. Why don't we take a lead in this and open up business opportunities for small business and turn it out to be something really good and really cool and lead, for once, to be really great. Thanks.

COUNCIL PRESIDENT ISTNICK – Thank you. Is there anyone else?

JULIE HARWIG – 375 – 25th St. S.E., Massillon, OH. I would just like to address about the panhandling. In my neighborhood there are a lot of widows and widowers and someone had mentioned very vulnerable people and I know that these elderly people freak out just when the electric company comes and bangs, I'm telling you, they bang and ring and ring and ring to try to get you to go on their plan; their gas or something or electric. I believe in helping the needy, I've given to people that are at the end of express way ramps. I've given to people that I know they were not really in need; I knew what they were doing and my mother has told me that I'm very wrong for doing that. But, I just think I'm just so much more concerned if they come knocking at my door and these elderly people or, also in the neighborhood, people with little children. Because I know a lot of them are legit, but I also know for sure that there's a lot that are not legit. And it also concerns me that if they're allowed to come up to my door, that's a good way of casing out a joint. You know, would this be easy to break into? My concern is just mainly safety. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Julie. Is there anyone else that would like to address Council?

6. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 28 – 2019

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Jobs and Commerce Economic Agreement between the Ohio Department of Transportation (ODOT) and the City of Massillon, Ohio, for the development project located off of Millennium Boulevard in Gene Boerner Industrial Park, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Thank you, Madam President. I'd like to bring somebody up from the Administration, maybe Mr. Maley or Mr. Smith, and explain what's going on here and how soon we would have to address this. If we would need to move this immediately.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Maley.

DAVE MALEY – Based on the comments that I had last week, Councilman Manson, I think we probably should move. It's not immediate that we move quickly on it, but this has been pending for some time. ODOT provided the incentive to Geis and Shearer's quite some time ago. We've been working through the language, basically, the next two ordinances go hand in hand. We've been working through the ordinances with regards to the agreement that ODOT provided us. We had some concerns with the stipulations of that agreement. So, we had

some language drafter up which the one is the actual agreement between ODOT and the other is the agreement between Geis with regards to the agreement with ODOT. It's a little confusing, but it's like a side agreement that basically limits the liability the City has with regards to the agreement for the grant from ODOT, if that makes any sense.

COUNCILMAN MANSON – And this is primarily being driven because of the Shearer's building down in that area down there and if anybody's been down across Rt. 30 lately, you can see how massive that development is. So, I don't know if anybody has any questions or not, but it's my intention is to move it forward.

DAVE MALEY – The one is to allow us to enter into the agreement with ODOT, it's a \$115,000 grant that will be provided to Geis Co. who is building this building and the other is an agreement to that agreement basically saying that Geis takes responsibility. We are not actually building the facility. Normally, the original agreement would be more or less for the City building it, but since Geis is building it we have some limitations. So, we had asked to draft up some language to leave us less liable for anything that went on with regards to reporting and etc.

COUNCILMAN MANSON – Thank you, Dave.

DAVE MALEY – Thank you.

COUNCILWOMAN LITMAN – May I ask a question, please?

COUNCILMAN MANSON – Sure.

COUNCILWOMAN LITMAN – Has it anything to do with the safety concerns that may exist within the building?

DAVE MALEY – No.

COUNCILWOMAN LITMAN – Okay. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else?

COUNCILMAN MANSON – I'd like to make a motion that we waive the rule requiring three separate readings and bring Ord. No. 28 – 2019 forward for passage.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Cunningham. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 28 – 2019 has passed. Ord. No. 29 – 2019.

ORDINANCE NO. 29 – 2019

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a second Development Agreement with the Massillon Development Foundation and Geis at Massillon, LLC, regarding the Jobs and Commerce Economic Agreement between the Ohio Department of Transportation (ODOT) and the City of Massillon, Ohio, for the development project located off of Millennium Boulevard in Gene Boerner Industrial Park, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes. Thank you, Madam President. I guess I would ask Mr. Maley if there was anything different about this ordinance as it's to the same development.

DAVE MALEY – Yeah, the ordinance that we just passed was the actual agreement accepting the ability to enter into agreement with ODOT. The second one is actually an amendment to that agreement with Geis and MDF; same project.

COUNCILMAN MANSON – Okay. Thank you. If there are not other questions, I'd like to make a motion that we waive the rule requiring three separate readings and bring Ord. No. 29 – 2019 forward for passage.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Cunningham. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 29 – 2019 has passed. Ord. No. 30 – 2019.

ORDINANCE NO. 30 – 2019

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE to accept the dedication of road right of way and easements for Phoenix Ave. S.E., located in the Neocom Industrial Park in Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. The Administration has asked that we have a little more time on this ordinance for more discussion next week. So, I would ask to give this first reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 30 – 2019 has received first reading. Ord. No. 31 – 2019.

ORDINANCE NO. 31 – 2019

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE to accept the replat of Out Lot 1044 and the dedication of a sanitary sewer easement located on Erie Street S., State Route 21, Massillon, Ohio, and declaring an emergency

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Yes. Thank you, Madam President. This ordinance just involves the replat and easement for a sanitary sewer on Erie St. This replat has already been approved by the City Planning Commission. It just needs to be approved by City Council. Any questions or discussion? Seeing none, I make a motion that we waive the rule requiring three readings and bring Ord. No. 31 – 2019 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Creamer. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 31 – 2019 has passed. Ord. No. 32 – 2019.

ORDINANCE NO. 32 – 2019

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids according to law and to enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the 2019 CDBG Target Neighborhood Resurfacing Program in the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance is just; in order to kick off the repaving program for the CDBG funding in 2019. So, we'll be spending about \$147,000 of CDBG funds for repaving City streets this year in target neighborhoods. Any questions or discussions for this? Seeing none, I make a motion that we waive the rule requiring three readings and bring Ord. No. 32 – 2019 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Manson. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 32 – 2019 has passed. Ord. No. 33 – 2019.

ORDINANCE NO. 33 – 2019

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids according to law and to enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the 2019 Resurfacing Project in the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This ordinance will allow us to go advertise for bids and enter into contract for the proposed list of City streets to be repaved this year. We've had that list out to the public for about two weeks. We've had extensive conversations. At this point, for this list, are there any more questions, concerns or comments? Seeing none for this proposed list, I do want to bring this forward because I'd like to get the paving started as soon as possible when the nice weather hits. So, I would make a motion that we waive the rule requiring three readings and bring Ord. No. 33 – 2019 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Manson. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 33 – 2019 has passed. Ord. No. 34 – 2019.

ORDINANCE NO. 34 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to accept a donation from Robert David for the Mayor's Kindness Campaign and from Medical Mutual of Ohio in sponsorship of the Mayor's State of the City Breakfast, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, this ordinance is accepting \$3,000 in donations from private companies that are giving it to the City for the purpose of the Kindness Campaign and the Mayor's Breakfast. Any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 34 – 2019 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 34 – 2019 has passed. Ord. No. 35 – 2019.

ORDINANCE NO. 35 – 3019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1203 Community Development Fund, for the year ending December 31, 2019, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance will be appropriating \$20,154,00 towards the target street improvements in the City. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 35 – 2019 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Manson. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 35 – 2019 has passed. Ord. No. 36 – 2019.

ORDINANCE NO. 36 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of the Parks and Recreation Department of the City of Massillon, Ohio, to sell, auction, scrap or dispose of any recreation vehicles, machinery, park equipment and materials, including items located at the Senior Citizen Center and The Legends of Massillon Golf Course, with all proceeds return to the Parks and Recreation Department.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. We passed an ordinance similar to this on behalf of the City and now the Parks and Recreation Dept. is wanting to do similarly. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 36 – 2019 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Manson. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 36 – 2019 has passed. Ord. No. 37 – 2019.

ORDINANCE NO. 37 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a one-year contract between the City of Massillon, Ohio, and the Board of Stark County Commissioners for the housing of City of Massillon, Ohio, Codified Ordinance prisoners at the Stark County Jail, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is our agreement with the Stark County Commissioners that when we have a person that we have taken into custody and they will be housed at the County Jail, we have an agreement with them in which we do have to, at times, pay some of the cost of that and we just have to have this agreement with the Commissioners in order to move forward. Any questions or discussion?

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – I did have one question regarding this. I'm not sure who would address it, but it's just a question regarding the per diem amount that we've agreed to pay. Has that changed from previous contracts?

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Smith.

JOEL SMITH – It actually went down, I think, thirty-seven cents. So, it's realistically the same. And as our Law Director explained it, it's only an issue if we charge under municipal ordinances. Our department does not do that in general. So, we have not paid those costs or very little of that cost.

COUNCILMAN GREGG – Alright, thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Smith. Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 37 – 2019 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 37 – 2019 has passed. Ord. No. 38 – 2019.

ORDINANCE NO. 38 – 2019

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2019 appropriations from within the 1401 Capital Outlays Fund, for the year ending December 31, 2019, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance would appropriate an additional line of \$6,000.00 for street resurfacing so that we can meet all of our expectations for this season. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 38 – 2019 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 38 – 2019 has passed. Councilman Manson.

COUNCILMAN MANSON – Yes, Madam President. I think I'll wait until we get to Reports of Committees to this and it's only going to take us a couple of minutes to get there.

COUNCIL PRESIDENT ISTNICK – Alright.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

A Request for a Transfer of Liquor License from Old Timers Bar & Griddle, LLC, 1st Floor and Patio located at 1316 Tremont Ave. S.W., Massillon, Ohio 44647 to Olde Timers Bar & Grill, LLC located at 1316 Tremont Ave. S.W., Massillon, Ohio 44647. It is located in Ward 5 and Permit Class is D5.

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

Mayor's Report - January 2019
Treasurer's Report - January 2019

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Thank you, Madam President. There are two things, one is that I'm going to request that we go into Executive Session. But first, I'd like to ask Mr. Gregg if he would consider his Committee having an open meeting at next Monday's Work Session and discuss this panhandling ordinance and invite as many people as we could get in through the newspaper to comment.

COUNCILMAN GREGG – For the purpose of the public to discuss that during our meeting? Yes.

COUNCILMAN MANSON – Because it just is not ending the comments that I've been getting continuously.

COUNCILMAN GREGG – Same here.

COUNCILMAN MANSON – Everywhere I go, I have a neighbor from two houses down that came and got me today; a church, they got me. It's everywhere, so, I'd like to get it in the paper that it is going to be open and we'll have whatever conversation we can have.

COUNCILMAN GREGG – I agree.

COUNCILMAN MANSON – Thank you. This I should have memorized, but I don't yet. I make a motion that we enter into Executive Session pursuant to Ohio Revised Code, Section 121.22(g)2 to consider sale of real property.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Roll call

8 yes to enter into Executive Session – 7:35p

COUNCILMAN MANSON – I would like to invite all of Council, Council President, Council Clerk, the Mayor, Safety Service Director Smith, Economic Development Director Maley, Budget Director, Barb Sylvester and the Law Director, Andrea Scassa.

COUNCIL PRESIDENT ISTNICK – We will now exit our Regular Meeting and enter into Executive Session.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Yes, thank you, Madam President. I make a motion that we return to Regular Session.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Creamer. Roll call.

8 yes to exit Executive Session and enter back into our Regular Session – 8:15p

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. We have exited Executive Session and entered back into our Regular Session. Reports of Committees, our next Work Session is next Monday, March 11, 2019 at 6:30 p.m. I will not be here for that meeting.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCE AND RESOLUTIONS

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 19 – 2019

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to transfer Parcel No. 4318881, located at 3140 Lincoln Way E., Massillon, Ohio; and Parcel No. 4318333, located at 124 Austin Ave. N.W., Massillon, Ohio, from the City of Massillon to the Community Improvement Corporation of Massillon (CIC), and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Thank you, Madam President. We've had four weeks of discussion about this and the next ordinance. It's my intention to move it forward unless there's a problem we have with something here. Seeing no questions or anything, I make a motion that we waive the rule requiring three separate readings and bring Ord. No. 19 – 2019 forward for passage.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Cunningham. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 19 – 2019 has passed. Ord. No. 21 – 2019.

ORDINANCE NO. 21 – 2019

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the City of Massillon, Ohio, to lease Parcel No. 4318881, located at 3140 Lincoln Way E. Massillon, Ohio; and Parcel No. 4318333, located at 124 Austin Ave. N.W., Massillon, Ohio, from the Community Improvement Corporation of Massillon (CIC), and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Manson.

COUNCILMAN MANSON – Thank you, Madam President. Unless there are any questions or objections, I'm going to waive the rule on this. Seeing nothing, I make a motion we waive the rule requiring three separate readings and bring Ord. No. 21 – 2019 forward for passage.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Cunningham. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 21 – 2019 has passed. Ord. No. 23 – 2019.

ORDINANCE NO. 23 – 2019

BY RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE repealing Section 509.10, BEGGING, CHAPTER 509 – DISORDERLY CONDUCT AND PEACE DISTURBANCE of PART FIVE, GENERAL OFFENCES CODE of the Codified Ordinances of the City of Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg

COUNCILMAN GREGG – Thank you, Madam President. This is an ordinance of, obviously, great interest. Does the Law Director want to speak anymore about this at this time? Does anybody have any questions or concerns?

COUNCILMAN MANSON – The only comment I asked you about it. I'm getting hit every single day. So, I would hope that we get a lot of people here to participate so they can understand some of this stuff that we're dealing with. That's why I asked for that.

COUNCILMAN GREGG – I agree. I think we'll have open discussion at our next Work Session. So, for now, we'll give it second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 23 – 2019 has received second reading.

16. NEW AND MISCELLANEOUS BUSINESS

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA

18. ADJOURNMENT

COUNCILWOMAN STARRETT – I make a motion that we adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Irwin. Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT